
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§

versus

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CASE NO. 1:17-CR-151

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MOHAMED IBRAHIM AHMED

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MEMORANDUM AND ORDER

Pending before the court is Defendant Mohamed Ibrahim Ahmed's ("Ahmed") *pro se* Motion for Jury Deliberation Written Notes and Hearing Transcript from December 10, 2019, through December 13, 2019 (#272). Having considered the motion, the record, and the applicable law, the court is of the opinion that the motion should be dismissed.

On July 12, 2018, a federal grand jury in the Eastern District of Texas returned a five-count First Superseding Indictment charging Ahmed in Count One with Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organizations, in violation of 18 U.S.C. § 2339B(a)(1); in Counts Two, Three, and Four with Making False Statements Involving International Terrorism, in violation of 18 U.S.C. § 1001; and in Count Five with Soliciting to Commit a Crime of Violence, in violation of 18 U.S.C. § 373. On December 2, 2019, Ahmed proceeded to a jury trial. On December 13, 2019, the jury found Ahmed guilty of Counts One and Three, not guilty of Counts Four and Five, and could not reach a verdict as to Count Two. The court sentenced Ahmed to a total of 300 months' imprisonment, consisting of 240 months on Count One and 60 months on Count Three, with the sentence imposed for Count Three to be served consecutively to Count One. Ahmed appealed his conviction, and his appeal is presently pending before the United States Court of Appeals for the Fifth Circuit, Case Number 20-40713. Ahmed is currently represented by counsel for appellate purposes (#236).

Without the approval of or the adoption of the motion by defense counsel, Defendant is not permitted to file *pro se* pleadings. A “criminal defendant does not have the right . . . to a ‘hybrid representation,’ partly by counsel and partly by himself.” *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir. 1978); *accord United States v. Agbonifo*, No. 20-20293, 2022 WL 808001, at *5 (5th Cir. Mar. 16, 2022); *United States v. Jones*, 842 F. App’x 878, 884 (5th Cir.), *cert. denied*, 142 S. Ct. 171 (2021); *Whitman v. Clerk of Court*, 786 F. App’x 228, 231 (11th Cir. 2019); *United States v. Jimenez*, 744 F. App’x 866, 867 (5th Cir. 2018); *United States v. Wiley*, 707 F. App’x 802, 803 (5th Cir. 2017); *Batchelor v. Cain*, 682 F.3d 400, 411 n.5 (5th Cir. 2012); *United States v. Long*, 597 F.3d 720, 724 (5th Cir.), *cert. denied*, 561 U.S. 1034 (2010). Any future filings on behalf of Ahmed should be submitted by counsel.


In any event, the court notes that Ahmed’s appellate counsel has access to the sought-after information. In his motion, Ahmed requests copies of “(11) written jury trial notes” and the “[trial] transcripts from Dec. 10, 2019[, through] Dec. 13, 2019,” so that his appellate counsel can effectively prepare his appeal. Ahmed’s appellate counsel requested the trial transcripts for the entire trial, December 3, 2019, through December 13, 2019 (#237). The trial transcripts for December 10, 2019, were filed under seal, and the court granted the Government’s motion to redact the same (#261). A redacted version of the December 10, 2019, transcripts were docketed (#268) and made available to Ahmed’s appellate counsel. Therefore, Ahmed’s appellate counsel has access to these transcripts.

The jury submitted 11 notes to the court during deliberations—December 10, 2019, through December 13, 2019. To the extent that these notes involved anything other than the designation

of a jury foreperson¹ or requests for breaks, they were read into the record, and the parties discussed and agreed upon an appropriate response by the court, if any, on the record. Thus, the notes, including the court's responses, are included in the trial transcripts, to which Ahmed's appellate counsel has access.

Accordingly, Ahmed's *pro se* Motion for Jury Deliberation Written Notes and Hearing Transcript from December 10, 2019, through December 13, 2019 (#272) is DISMISSED.

SIGNED at Beaumont, Texas, this 12th day of April, 2022.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ The foreperson was otherwise identified on the record.